



Applicant: Mike BURNS et al.  
Title: ELECTRONIC SPREAD TRADING TOOL  
Serial No.: 09/880,078  
Filed: June 14, 2001  
Examiner: Nga Nguyen  
Art Unit: 3628

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 AND 37 CFR §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97-1.98, and in accordance with the duty of candor set forth in 37 C.F.R. §1.56, applicant wishes to make the following references of record in the above-identified application. Copies of the references cited below are enclosed along with a copy of completed PTO Form-SB08.

The submission of any documents herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

**I. TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is being filed in compliance with 37 C.F.R. § 1.97(c) prior to the mailing date of either a final action or a notice of allowance. Accordingly, pursuant to 37 CFR §1.97(d), a statement or fee is required. The fee set forth in §1.17(p) is enclosed.

## II. DOCUMENTS

1. APT Brochure, LIFFE Exchange, circa 1990\*
2. Trading Screen, INTEX of Bermuda, circa 1984\*
3. Weber, Information Technology in the Major International Financial Markets, April 7, 1993
4. Trading Screen, TIFFE Exchange, circa 1989-1990\*
5. Trading Screen, MEFF Exchange, circa 1990\*
6. Cavaletti, Order Routing Article, Futures Magazine, February 1997
7. Aurora Article, CBOT, circa 1989\*
8. One Click Trading Options, Trading Technologies, circa 1998
9. Trading Screen, SWX Exchange, circa 1990\*
10. Expanding futures and options trading around the world, around the clock, GLOBEX, circa 1989\*
11. Hansell, The computer that ate Chicago, Institutional Investor, February 1989
12. Globex Report: An update on the CME Global electronic exchange, February 10, 1989
13. NYMEX Access Documents, New York Mercantile Exchange, February 28, 1992
14. CATS Traders' Manual, Toronto Stock Exchange, September 30, 1977
15. Market Watch, Trading Screen, date not available
16. Grummer, Peake, Sellers, Preliminary Feasibility Study, Bermudex Ltd., November 1980
17. Peake, Mendellson, The ABCs of trading on a national market system, Appendix C of Preliminary Feasibility Study, Bermudex Ltd., September 1997
18. Peake, The last 15 meters, Appendix E of Preliminary Feasibility Study, Bermudex Ltd., June 15, 1997
19. Declaration of Brendan Bradley in Case No. 04 C 5312, November 18, 2004
20. Memorandum Opinion Published February 9, 2005, of Judge James B. Moran in Case No. 04 C 5312

## III. DISCUSSION

Pursuant to the duty of disclosure provided by 35 C.F.R. § 1.56 and §§ 1.97-98, the Applicants wish to make the foregoing references of record in the above-identified application. These references were raised in connection with ongoing litigation involving U.S. Patents Nos. 6,766,304 and 6,772,132, which are commonly owned by Trading Technologies International Inc., in a lawsuit bearing the caption Trading Technologies

International Inc. v. eSpeed Inc., Docket No. 04 C 5312, United States District Court for the Northern District of Illinois. Despite Applicant's belief that some or all of these references are cumulative of what may have already been cited, out of an abundance of caution Applicant is submitting these references.

No representation is intended as to the relative importance of any portion of the references, and this statement is not a representation that the cited references even constitute "prior art" within the meaning of 35 U.S.C. sections 102 or 103 nor as an admission that the information is considered to be material to patentability. It should be noted that the dates associated with those references marked with an asterisk ("\*") are as provided by the Defendant eSpeed, Inc. in the above-referenced litigation. Applicants make no representation regarding the accuracy of these dates. Applicants submit that these documents, whether taken alone or in combination with others previously of record, fail to show or suggest the claimed subject matter.

Applicants request that the Examiner consider the entirety of the documents and make them of record in this application as required under MPEP § 609.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.

Respectfully submitted,

Date March 23, 2005

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5485  
Facsimile: (202) 672-5399

By Aaron C. Chatterjee

Aaron C. Chatterjee  
Registration No. 41,398  
Attorney for Applicant

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Date Submitted: March 23, 2005

(use as many sheets as necessary)

Sheet

1 of 2

## Complete if Known

Application Number	09/880,078
Filing Date	06/14/2001
First Named Inventor	Mike BURNS et al.
Group Art Unit	3628
Examiner Name	Nga Nguyen
Attorney Docket Number	024051-0150

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	C1	"APT: A trading system for the future," The London International Financial Futures Exchange (LIFFE), 1990, 11 pages.	
	C2	Trading Screen, INTEX of Bermuda, 1984, one page.	
	C3	B.W. WEBER, "Information Technology in the Major International Financial Markets," Stern School of Business, New York University, April 7, 1993, pp. 1-43.	
	C4	Trading Screen, TIFFE Exchange, circa 1989-1990, one page.	
	C5	Trading Screen, MEFF Exchange, 1990, one page.	
	C6	C. CAVALETTI, "Order Routing," FUTURES MAGAZINE, February 1997, pp. 68-70.	
	C7	"AURORA: The most technologically advanced trading system available today," Chicago Board of Trade, 1989, 11 pages.	
	C8	"One Click Trading Options," Trading Technologies, Inc., 1998, one page.	
	C9	Trading Screen, SWX Exchange, 1990, two pages.	
	C10	"Expanding futures and options trading around the world, around the clock," GLOBEX, 1989, 48 pages.	
	C11	S. HANSELL, "The computer that ate Chicago," INSTITUTIONAL INVESTOR, February 1989, 5 pages.	
	C12	"Sydney Futures Exchange Announces Plans to Join GLOBEX," GLOBEX REPORT: An Update on the CME global electronic exchange, Vol. II, No. 2, February 10, 1989, 4 pages.	
	C13	New York Mercantile Exchange (NYMEX) Access Documents, February 28, 1992, 413 pages.	
	C14	The Computer Assisted Trading System (CATS) Traders' Manual, Toronto Stock Exchange, September 30, 1977, 142 pages.	

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO			Complete if Known		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>MAR 23 2005</i> Date Submitted: March 23, 2005 <i>(use as many sheets as necessary)</i>			<b>Application Number</b> 09/880,078 <b>Filing Date</b> 06/14/2001 <b>First Named Inventor</b> Mike BURNS et al. <b>Group Art Unit</b> 3628 <b>Examiner Name</b> Nga Nguyen <b>Attorney Docket Number</b> 024051-0150		
1 sheet	of	2			

## NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>3</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>4</sup>Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.